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09/994,732	11/28/2001	J. Mitchell Shnier		8327

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EXAMINER

HUTTON JR, WILLIAM D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/994,732	<b>Applicant(s)</b> SHNIER, J. MITCHELL	
	<b>Examiner</b> Doug Hutton	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11282001</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Objections***

Claim 4 is objected to because of the following informalities:

- the term “address” in Line 2 should be deleted because it appears to be a typographic error.

Claim 5 is objected to because of the following informalities:

- the term “where” in Line 1 should be amended to — wherein — because it appears to be a typographic error.

Claim 8 is objected to because of the following informalities:

- the term “proceeding” in Line 4 should be amended to — preceding — because it appears to be a typographic error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 17-25, 29, 30, 33-35, 37 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al., U.S. Patent No. 6,199,076.

*Claim 1:*

Logan discloses a method of playing discrete media content segments (see Column 1, Lines 6-9 – Logan discloses this limitation, as clearly indicated in the cited text), comprising:

- specifying an order of play of media content segments (see Column 8, Lines 39-53; see Column 9, Lines 31-42 – Logan discloses this limitation in that the audio program player presents a proposed schedule to the user and allows the user to amend the program selections and the order of the selections) selected from archived media content segments (see Column 5, Lines 35-65 – Logan discloses this limitation in that the audio program player comprises data files, including music files, stored on a host server) and continuously playing live media content segments (see Column 39, Lines 63-67 – Logan discloses this limitation in that the audio program player includes “real time” program segments);
- specifying specific live media content segments having defined start times, durations and repeat intervals (see Column 1, Lines 50-56 – Logan discloses this limitation in that the prior art includes Internet radio sources that are played in real time by media players; Internet radio sources *inherently* include “specific

live media content segments having defined start times, durations and repeat intervals” in that the sources comprise Internet radio shows that have start times, durations and regularly-occurring schedules);

- deriving a play sequence based on said order of play which is interrupted to accommodate said specific live media content segments at the start times thereof (see Column 38, Lines 55-67 – Logan discloses this limitation in that the audio program player interrupts the regularly scheduled program to insert a segment at a particular time of day; as indicated in the above discussion, the program segments include both “archived” segments and “real time” segments); and
- using said play sequence to provide a personalized sequence of discrete media content segments (see Column 16, Line 65 through Column 17, Line 4 – Logan discloses this limitation, as clearly indicated in the cited text).

*Claim 2:*

Logan discloses the method of Claim 1, wherein said media content segments are streaming media content segments (as indicated in the above discussion, Logan discloses “real time” program segments; these segments are ***inherently*** “streaming” segments in that the real time data is collected and sent to the media player as a steady stream).

*Claim 3:*

Logan discloses the method of Claim 1, wherein said media content segments each include an address that identifies a source of the media content segment and said address is used to play the particular media content segment when required according to said personalized sequence (see Column 8, Line 54 through Column 9, Line 4 – Logan discloses this limitation in that each program segment is stored in a server and has an address; also, all of the “real time” program segments must inherently have an “address that identifies a source of the media content segment” that is “used to play the particular media content segment” in that the media player accesses each segment via a storage device having a specific address for that particular segment).

*Claim 4:*

Logan discloses the method of Claim 1, wherein said play sequence includes an address for each discrete media content segment which address allows playing of the particular discrete media content segment upon demand (see Column 8, Line 54 through Column 9, Line 4 – Logan discloses this limitation in that each program segment is stored in a server and has an address).

*Claim 5:*

Logan discloses the method of Claim 1, where said play sequence includes address instructions for each discrete media content segment causing the play thereof in accordance with the play sequence on a source specific to the media content

segment and where said play sequence includes address instructions of different sources (see Column 8, Line 54 through Column 9, Line 4 – Logan discloses this limitation in that each program segment is stored in a server and has an address; the segments are played in the sequence specified by the user regardless of where the segment is located).

*Claim 6:*

Logan discloses the method of Claim 1, including identifying live streaming media content segments which meet predetermined selection criteria determined by a user, and modifying said play sequence to accommodate said identified live streaming media content segments (Logan discloses this limitation in that, as indicated in the above rejection for Claims 1 and 2, Logan discloses “specifying an order of play of media” that is selected and identified from “live streaming media content segments;” Logan discloses the play sequence being “modified to accommodate live streaming media” in that the audio program player can interrupt the regularly scheduled program to play a live Internet radio broadcast).

*Claim 7:*

Logan discloses the method of Claim 1, wherein said derived play sequence after interruption to accommodate said specific live media content resumes play of media content based on said order of play (see Column 38, Lines 55-67 – Logan discloses this

limitation in that the audio program player returns to the regularly-scheduled program segments after interruption).

*Claim 8:*

Logan discloses the method of Claim 1, wherein said derived play sequence, after an interruption which interrupted an archived media content segment, plays the entire archived media content segment or plays a remaining unplayed portion of the archived media segment or plays a portion of the archived media segment immediately proceeding the interruption followed by the remaining unplayed portion of the archived media segment (see Column 38, Lines 55-67 – Logan discloses this limitation in that the audio program player returns to the regularly-scheduled program segments after interruption; upon returning to the regularly-scheduled program segments, the audio program player plays a “remaining unplayed portion” of the program).

*Claim 9:*

Logan discloses the method of Claim 1, wherein said derived play sequence is stored as a program along with program timing information for the playing thereof and said method allows the storage of multiple programs (see element 131, Figure 1 – Logan discloses this limitation in that the system stores the programs in a data library; each program includes “timing information” in that it comprises a schedule that specifies the order in which to play the program segments).



*Claim 17:*

Logan discloses the method of Claim 1, including conducting an initial search based on user entered criteria and identifying discrete media content segments of possible interest to a user and making said identified discrete media content segments available during said specifying steps (see Column 24, Line 27 through Column 25, Line 2 – Logan discloses this limitation in that the system locates program segments that are of interest to the user based on subject matter codes and attributes of the user; also, the system allows the user to modify the schedule of these program segments).

*Claim 18:*

Logan discloses the method of Claim 17, wherein said discrete media content segments are discrete audio media content segments (see Column 2, Lines 6-10 – Logan discloses this limitation, as clearly indicated in the cited text).

*Claim 19:*

Logan discloses a method of identifying audio content and the selective programming thereof to define a personalized sequence of discrete audio segments (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation), comprising:

- identifying a series of archived audio segments of possible interest to a user (as indicated in the above rejections for Claims 1 and 17, Logan discloses this limitation);

- identifying a series of live audio segments available at specific times and of a known duration of possible interest to the user (as indicated in the above rejections for Claims 1, 17 and 18, Logan discloses this limitation);
- forming a basic series of audio segments from at least said archived audio segments for play in a particular manner according to information entered by the user (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation);
- forming an interrupting series of audio segments from at least said live audio segments including timing information for playing of each audio segment (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation); and
- producing an audio signal based on said basic series of audio segments which are interrupted by said interrupting series at the specific times of the audio segments and for the duration thereof (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation).

*Claim 20:*

Logan discloses the method of Claim 19, wherein said basic audio segments also include live audio segments (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation).

*Claim 21:*

Logan discloses the method of Claim 19, wherein said interrupting audio segments include archived audio segments (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation).

*Claim 22:*

Logan discloses the method of Claim 19, wherein said audio segments also include live audio segments and said interrupting audio segments include archived audio segments (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation).

*Claim 23:*

Logan discloses the method of Claim 22, including defining a plurality of channels where each channel defines an audio signal based on its own basic series of audio segments and its own interrupting series of audio segments (Logan discloses this limitation in that the system can store multiple audio programs, wherein each program includes a "basic" series of audio segments and an "interrupting" series of audio segments).

*Claim 24:*

Logan discloses the method of Claim 19, wherein said produced audio signal returns to said basic series of audio segments after the duration of an interrupting audio

segment and in the event the particular audio segment that was interrupted was an archived audio segment identifying the point of interruption and returning to the archived audio segment in a predetermined manner relative to the point of interruption (as indicated in the above rejections for Claims 1 and 18, Logan discloses this limitation).

*Claim 25:*

Logan discloses the method of Claim 19, wherein said interrupting series of audio segments include live audio segments from a plurality of audio feeds provided live on the internet (as indicated in the above rejections for Claims 1, 2 and 18, Logan discloses this limitation).

*Claim 29:*

Logan discloses a system for allowing a user to manage media content available from a host of sources and produce a media signal customized according to user identified criteria (as indicated in the above rejection for Claim 1, Logan discloses this limitation), said system comprising:

- a first web page interface for identifying media segments of possible interest to the particular user where said media segments include live media segments and archived media segments and selecting therefrom a group of media segments of particular interest to the user (the examiner interprets this "first interface" to be a GUI that is used to perform a search; as indicated in the above rejections for Claims 1 and 17, Logan discloses this limitation);

- a second web page interface allowing the user to select from said group of media segments and form a basic sequence of media segments to be played in a predetermined manner and also allowing the user to select an interrupting series of media segments to be played in a manner to interrupt said basic sequence of media segments at particular times and for the duration thereof and thereafter return to said basic sequence of media segments (the examiner interprets this “second interface” to be a GUI that allows the user to edit the results of the search; as indicated in the above rejections for Claims 1, 17 and 19, Logan discloses this limitation); and
- a third web page interface to allow the user to play said basic sequence of media segments and said interrupting series of media segments (see Column 2, Lines 6-10 – Logan discloses this limitation in that the system includes a audio program player).

*Claim 30:*

Logan discloses the system of Claim 29, wherein said system upon return to said basic sequence resumes the media segment that was interrupted (as indicated in the above rejection for Claim 7, Logan discloses this limitation).

*Claim 33:*

Logan discloses the system of Claim 29, wherein said system conducts additional searches from time to time to locate current media segments of an identified

content provider and adds said current media segments to said selected archived media segments (see Column 6, Lines 51-67 – Logan discloses this limitation in that the system periodically searches the host server to find audio program segments to add to the program).

*Claim 34:*

Logan discloses the system of Claim 29, wherein said media segments are audio media segments available over a public computer network (see Column 2, Lines 6-10; see Column 4, Lines 28-31 – Logan discloses this limitation, as clearly indicated in the cited text).

*Claim 35:*

Logan discloses the system of Claim 34, wherein said media segments are available and transmitted for play on a user device connected to the internet (see Column 2, Lines 6-10; see Column 4, Lines 28-31 – Logan discloses this limitation, as clearly indicated in the cited text).

*Claim 37:*

Logan discloses the method of Claim 3, including connecting a user play device specifically designed for playing media content segments to a network and transmitting and playing the personalized sequence of discrete media content segments using said user play device (see Column 2, Lines 6-10; see Column 4, Lines 28-31 – Logan

discloses this limitation in that the system includes a audio program player connected to the Internet).

*Claim 38:*

Logan discloses the method of Claim 37, wherein said personalized sequence of discrete media content segments is defined using a user computer device connected to said network (see Figure 1 – Logan discloses this limitation, as clearly indicated in the cited figure).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 14-16, 26-28, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan.

*Claim 11:*

Logan discloses the method of Claim 9, wherein said play sequence is stored on a first internet server and said media content segments are stored an internet server (see Figure 1 – Logan discloses this limitation, as clearly indicated in the cited figure).

Logan fails to expressly disclose media content segments that are stored on a *plurality* of internet servers. However, placing content on a plurality of servers rather than a single server would have been obvious to one having ordinary skill in the art (i.e., a website administrator or web application programmer) at the time the invention was made because placing content on multiple servers leverages the power of multiple computers to concurrently serve many more users than is possible when using only a single server.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include media content segments that are stored on a plurality of internet servers.

*Claim 12:*

Logan discloses media content segments that are played on a user device connected to the internet and in communication with an internet server (see Figure 1 – Logan discloses these limitations, as clearly indicated in the cited figure) and said media content segments are transmitted to said user device as streaming media content segments (as indicated in the above rejection for Claim 2, Logan discloses this limitation).

*Claim 14:*

Logan discloses the method of Claim 1, wherein said discrete media content segments are stored a device and said device is used to play said discrete media



content segments (see Figure 1; see Column 4, Lines 28-31 – Logan discloses this limitation, as clearly indicated in the cited figure and text).

Logan fails to expressly disclose media content segments that are stored on *different devices*. However, placing content on a plurality of devices rather than a single device would have been obvious to one having ordinary skill in the art (i.e., a website administrator or web application programmer) at the time the invention was made because placing content on multiple device leverages the power of multiple computers to concurrently serve many more users than is possible when using only a single storage device.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include media content segments that are stored on different devices.

*Claim 15:*

Logan discloses the method of Claim 3, wherein said play sequence is stored on a first computer device on a computer network and at least some of said media content segments are stored and playable using a further computer device on the computer network, said first computer device using said play sequence to play on a user computer device on said network said sequence of discrete media segments using said further device (see Figure 1 – Logan discloses these limitations, as clearly indicated in the cited figure).

Logan fails to expressly disclose media content segments that are stored and playable on a *plurality* of computer devices. However, placing content on a plurality of computer devices rather than a single computer device would have been obvious to one having ordinary skill in the art (i.e., a website administrator or web application programmer) at the time the invention was made because placing content on multiple servers leverages the power of multiple computers to concurrently serve many more users than is possible when using only a single server.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include media content segments that are stored and playable on a plurality of computer devices.

*Claim 16:*

Logan discloses discrete media content segments that are available on a computer server available on a computer network and said discrete media content segments are played on a user device connected to said network (see Figure 1; see Column 4, Lines 28-31 – Logan discloses this limitation, as clearly indicated in the cited figure and text).

*Claim 26:*

Logan discloses the method of Claim 25, wherein said archived audio segments include segments available for replay from an independent source provided on the

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internet on a user demand basis (Logan discloses this limitation in that the system allows the user to play an audio program whenever he wants to play the program).

Logan fails to expressly disclose archived audio segments that are available for replay from a *plurality* of independent sources. However, placing content on a plurality of computer devices rather than a single computer device would have been obvious to one having ordinary skill in the art (i.e., a website administrator or web application programmer) at the time the invention was made because placing content on multiple servers leverages the power of multiple computers to concurrently serve many more users than is possible when using only a single server.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include archived audio segments that are available for replay from a plurality of independent sources.

*Claim 27:*

Logan discloses discrete audio segments that include found audio segments identified based on general criteria entered by the user and determined to be relevant by a computer based on said general criteria (as indicated in the above rejections for Claims 1, 17 and 18, Logan discloses this limitation).

*Claim 28:*

Logan discloses found audio segments interrupt other audio segments (Logan discloses this limitation in that the system allows the user to select which segments are included in the “interrupting” series of audio segments).

*Claims 31 and 32:*

Logan discloses the system of Claim 29, including a memory means for tracking archived media segments to identify media segments which have been previously played and marking any played archived media segment (see Column 15, Lines 13-17 – Logan discloses this limitation in that the audio program player tags the program segments that are played).

Logan fails to expressly disclose tracking, identifying and marking media segments *to avoid the replaying thereof*. Firstly, the main function of the memory is to track media segments that have already been played. **Why** the memory tracks the media segments that have already been played is secondary to the main function and does not distinguish the present invention from the prior art. Secondly, tracking, identifying and marking media segments to avoid the replaying thereof would have been obvious to one having ordinary skill in the art (i.e., web audio application programmer) at the time the invention was made for the purpose of providing a more enjoyable audio listening program to the user.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Logan, to include tracking, identifying and marking media segments to avoid the replaying thereof.

Claims 10 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Treyz et al., U.S. Patent No. 6,678,215.

*Claim 10:*

As indicated in the above discussion, Logan discloses every limitation of Claim 9.

Logan fails to expressly disclose program timing information that includes the ability to play the program on a repetitive scheduled basis.

Treyz teaches a method of playing discrete media content segments (see Column 1, Lines 25-38 – Treyz teaches this limitation, as clearly indicated in the cited text), comprising:

- program timing information that includes the ability to play the program on a repetitive scheduled basis (see Column 1, Lines 39-43 – Treyz teaches this limitation in that the digital audio device comprises an alarm clock radio that allows the users to set the alarm and play the specified audio every morning, if the user so desires; thus, the digital audio device plays programs “on a repetitive scheduled basis”),

for the purpose of allowing a user to listen to his choice of audio on a regular basis.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include program timing information that includes the ability to play the program on a repetitive scheduled basis for the purpose of allowing a user to listen to his choice of audio on a regular basis, as taught by Treyz.

*Claim 36:*

As indicated in the above discussion, Logan discloses every limitation of Claim 29. Logan also discloses media segments available over a public computer network, as indicated in the above rejection for Claim 34.

Logan fails to expressly disclose media segments that are *video* media segments.

Treyz teaches a system for playing discrete media content segments (see Column 1, Lines 25-38 – Treyz teaches this limitation, as clearly indicated in the cited text), comprising:

- media segments that are video media segments (see Column 8, Line 63 through Column 9, Line 7 – Treyz teaches this limitation in that the alarm clock radio includes a display that allows the users to watch video via the Internet), for the purpose of allowing a user to watch video via the Internet.

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Logan, to include

media segments that are video media segments for the purpose of allowing a user to watch video via the Internet, as taught by Treyz.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Bodnar, U.S. Patent No. 6,544,295.

*Claim 13:*

As indicated in the above discussion, Logan discloses every limitation of Claim 1.

Logan fails to expressly disclose an adjustment for differences in time zones.

Bodnar teaches a method of managing Internet applications (see Column 1, Lines 17-21 – Bodnar teaches this limitation, as clearly indicated in the cited text), comprising:

- automatically adjusting a user's computer clock according to different time zones (see Column 8, Lines 55-61 – Bodnar teaches this limitation, as clearly indicated in the cited text),

for the purpose of automatically adjusting the time in the appropriate time zone to the time in the user's computer (see Column 8, Lines 55-61).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method, disclosed in Logan, to include a play sequence that adjusts for differences in time zones with respect to the playing of live media content segments for the purpose of automatically adjusting the time in the appropriate time zone to the time in the user's computer, as taught by Bodnar.

**Conclusion**

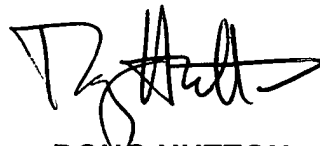
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Logan et al., U.S. Patent Application Publication No. US 2003/0093790; Smith et al., U.S. Patent Application Publication No. US 2002/0133247; and Bott, **Special Edition Using Microsoft Windows Millennium Edition**, Chapter 14 – *"Playing and Recording Digital Music"* (Que Publishing, 3 November 2000).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (571) 272-4137. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

WDH  
December 12, 2004



**DOUG HUTTON  
PATENT EXAMINER  
TECH CENTER 2100**